

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Ernest N. Benjamin,)
PETITIONER;)
)
v.)
)
Luis Spencer,)
RESPONDENT;)
)

CIVIL ACTION NO. 1:04-cv-11025-JTL
PRIOR PETITION C.A. No. 01-10748-JTL

PETITIONER'S MOTION FOR RULING ON
PETITIONER' APPLICATION FOR FORMA PAUPERIS

Now comes, Ernest N. Benjamin, petitioner in pro-se' moving this honorable court to issue it's ruling on his Application to Proceed in Forma Pauperis so he may proceed with his appeal and be in conformance with F.R.A.P. 24, and asserts in support thereof as follows;

- 1) That Petitioner submitted his IFP application on 5/20/04 and is reflected in the docket entry printout as entry #1.
- 2) That no appreciable change has occurred since that date relative to petitioner's financial status.
- 3) That the Honorable Clerk of the Court of Appeals, has issued Default status to the petitioner/appellant, pending notification of submission by this court.

Whereas this court has had ample time to rule on this issue, the petitioner moves that this court direct the Clerk of Court to notify the Appeals court clerk of the data entry and issue forth its ruling on the petitioner's Application to Proceed in Forma Pauperis.

Dated: July 6, 2005 Respectfully;

Ernest N. Benjamin, pro-se'



UNITED STATES COURT OF APPEALS

FOR THE FIRST CIRCUIT

No. 05-1589

ERNEST N. BENJAMIN

Petitioner - Appellant

v.

LUIS SPENCER, Superintendent

Respondent - Appellee

NOTICE OF DEFAULT AND INTENT TO DISMISS

ORDER OF COURT

Entered: 6/30/05

Upon filing of the Notice of Appeal, the filing fee*, required by Fed. R. App. P. 3(e) was supposed to be made to the Clerk of the District Court. Unless the fee is paid to the Clerk of the District Court, or unless a motion to proceed in forma pauperis on appeal pursuant to Fed. R. App. P. 24 is pending in the District Court and notice thereof is supplied to this court on or before 7/14/05, this appeal will be dismissed. Local Rule 3.

The appellant is presently in **default** as to this filing. If the fee is not paid on or before 7/14/05, this appeal will be dismissed in accordance with Local Rule 3, for lack of prosecution.

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By

Chief Deputy Clerk

cc: Ernest N. Benjamin
Eva M. Badway

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Eva M. Badway